

## REMARKS

This paper is submitted in reply to an Office Action dated 17 June 2009 in which: (1) claims 18, 19, 24, 28, and 29 are rejected under 35 USC 102(b) as allegedly lacking novelty in view of U.S. Patent No. 5,634,394 to Cortese; and (2) claims 20-23, 25-27, and 30-34 are held to be allowable but are objected to as depending from a rejected base claim.

In response, Applicant herein amends independent claim 18 to recite a beverage extraction assembly comprising, inter alia,

- (1) “a support connectable to a water outlet of a beverage extraction machine...said support comprising a water inlet port connectable to said water outlet of the beverage extraction machine, for delivering said water to said first cartridge port, said water inlet port configured to receive said first cartridge port therein”; and
- (2) “said water inlet port of said support comprising a radial fluid-tight seal for sealing between said water inlet port and said first cartridge port during the beverage extraction when said first cartridge port is inserted into said water inlet port, so as to prevent the water from contaminating any internal component or surface of the extraction assembly and from lapping the outer surface of the cartridge.”

At least the above emphasized portions of revised claim 18 are not found expressly or implicitly in the Cortese patent. That is, Cortese does not teach or suggest a support having a water inlet port configured to receive a first cartridge port of a cartridge with a radial seal therebetween, as recited in amended claim 18. Thus, the claimed invention is novel over Cortese and the outstanding section 102 rejection must be withdrawn.

In Figure 1 and the related text, Cortese discloses an espresso coffee machine 1 including a support 18 connected on an upper side to a dry boiler 3 having plates 4 and 5 and on a lower side to a percolator cup 48 which delimits a chamber 54 which contains granular coffee 55. See, column 2, lines 24-57 and column 3, lines 13-22. The support 18 further includes a hydraulic cylinder 21 having a cup shaped piston 31 disposed in an outer shell 22, with seals 35 and 37 interspersed between the piston 31 and inner walls of the shell 22. Id. The seals

35 and 37 are sealingly engaged upon a downward movement of the piston 31.

The term “radial seal” is well known in the art to mean a seal that is formed when two mating surfaces apply pressure to an inside diameter and to an outside diameter of the seal. That is, the pressure and the resulting seal occurs in a radial direction relative to the seal. This type of radial seal is distinguished from an axial seal which is subject to pressure on an upper and lower surface and experiences no radial pressure and no resulting radial sealing.

Clearly, the embodiment of Figure 1 of Cortese concerns an axial type seal. That is, the seals 35 and 37 are engaged on upper and lower surfaces thereof by the vertical movement of the piston 31. This is not a “radial fluid type seal” as required by claim 18 and as set forth above at item (2).

Moreover, the revised claim 18 further requires that the water inlet port of the support is configured to receive the first cartridge port therein. The percolator cup 48 of Cortese houses the coffee cartridge 55 in a chamber 54, however neither this percolator cup 48 nor the chamber 54 includes a port analogous to the recited “first cartridge port”. Thus, necessarily, the assembly of Figure 1 of Cortese does not include a support water inlet port configured receive a cartridge port, as required by claim 18. To the contrary, the assembly 1 includes a conduit 29 for delivering water to the coffee cake 55 where the conduit 29 is received within the support 18. This configuration appears to be opposite from the claimed invention.

For at least these reasons Figure 1 of Cortese does not anticipate nor render obvious Applicant’s claim 1.

In Figure 3, Cortese discloses an alternative embodiment of the espresso assembly 1. Here, the assembly 1 includes a support 18 connected at an upper side to the plates 4 and 5 of the boiler 3 and connected at the lower side to cup 48 which is configured to contain the coffee cartridge 65. Col. 4, lines 1-31. Above the cartridge 65 and beneath the plates 4 and 5, the support 18 includes a

hydraulic cylinder 62 including a piston defined by a flexible blade 61. *Id.* The lower side of the cylinder 62 includes a groove 71 for containing a seal 72. Vertical pressure between the blade 61 and the bottom surface of the cylinder 62 vertically compresses the seal 72, thus creating an axial sealing between the blade 61 and cylinder 62. Clearly, the seal 72 is not a “radial fluid tight seal” as recited in claim 18. To the contrary, the seal 72 is an axially seal as discussed above with respect to Figure 1 of Cortese. Furthermore, as in the embodiment of Figure 1, the cartridge 65 of Cortese’s Figure 3 lacks a port as recited in Applicant’s claim and thus, necessarily, the assembly does not include a support inlet port which receives a cartridge port, as also recited by claim 18.

Thus, for at least these reasons, the embodiment of Figure 3 of Cortese does not read upon Applicant’s revised claim 18.

It is noted that the difference between an axial seal and a radial seal is important to and advantageous of the claimed invention. The axial seal of Cortese discussed above necessarily causes the injected water to lap the upper surface of the cartridge before entering the internal chamber of the cartridge, thus degrading the hygienic operating conditions of the extraction machine. The recited radial seal, however, allows the injected water to move directly into the cartridge without lapping the outer surfaces of the cartridge nor the internal surfaces of the extraction machine and thus reducing contaminants and preserving hygienic operation.

In the Office Action at page 2, the Examiner identifies elements 68 and 74 of Cortese’s Figure 3 as being analogous to Applicant’s recited “first cartridge port” and “water inlet port”, respectively. Element 68 is described as an annular rib which projects beyond the free edge of the cup 48 and cooperates in a fluid tight manner with the blade 64. Col. 4, lines 10-15. Element 74 is a hole formed axially through shell 63 which terminates at a bottom of the shell 63 at a chamber 40. *Id.* The annular rib 68 is below the hole 74 and chamber 40 and is separated

therefrom by the blade 64. Clearly, the hole 74 is not configured to receive the annular rib 68 as the water inlet port receives the first cartridge port in Applicant's claim 18.

Thus, at least for all of these reasons, Cortese does not provide all of the limitations, expressly or inherently, of the presently revised claim 18. The claim is accordingly novel and non-obvious over Cortese. Claim 18 is not further rejected nor objected to and is therefore allowable to Applicant. Reconsideration and withdrawal of the relevant section 102 rejection is respectfully requested.

Rejected claims 19, 24, 28, and 29 variously depend from allowable claim 18 and are thus correspondingly novel, non-obvious, and allowable; reconsideration and withdrawal of the respective section 102 rejections is requested. Remaining claims 20-23, 25-27, and 30-34 are allowable, as indicated by the Examiner. Prompt issuance of a Notice of Allowance is requested.

Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time necessary for entry and consideration of the present reply. If there are any charges with respect to this filing, or otherwise concerning the instant application, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys. The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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